

# EXHIBIT 8

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

ePLUS, INC., )  
                  )  
Plaintiff,     ) Civil Action No. 3:09-CV-620 (REP)  
                  )  
v.              )  
                  )  
LAWSON SOFTWARE, INC., )  
                  )  
                  )  
Defendant.     )

**PLAINTIFF'S PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to Section V, Subsection H, Paragraph 3 of the Pretrial Schedule A of the Scheduling Order in this matter, ePlus provides the following constructions for claim terms that each party has identified as requiring construction.

**Claim Terms Identified by ePlus as Requiring Construction**

1. **Electronic sourcing system** (Claims 1, 3 and 6 of the '683 Patent; Claims 1, 2, 5, 6, 9, 10, 17, 21, 22 and 29 of the '516 Patent; Claims 1 and 5 of the '172 Patent): An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.

2. **Means for selecting the product catalogs to search** (Claims 1 and 3 of the '683 Patent):

**Function:** selecting the product catalogs to search.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) receiving inputted information relating to a user's selection of product catalogs to search from among the at least two product catalogs available; and (2) communicating the input selection to a search engine module; or (1) selecting catalogs to be searched from among the at least two product catalogs available based on preferences or history; and (2) communicating the catalog selection to a search engine program; and structural equivalents thereof. *See, e.g.,* '683 Patent, Col. 5, l. 66 to Col. 6, l. 3; Col. 6, ll. 11-13; Col. 7, ll. 38-43; Col. 7, l. 61 to Col. 8, l. 2; Col. 8, ll. 8-26; Col. 8, ll. 33-58; Col. 9, ll. 19-34; Col. 9:52-Col. 10:20; Col. 16, ll. 40-54; Col.

17, ll. 14-15; Col. 17, ll. 34-38; Col. 17, ll. 56-61; Col. 18, ll. 32-39; Col. 18, ll. 42-47; Col. 18, ll. 52-67; Appendix VII; Figs. 1A, 1B, 1C, 2.

**3. Means for searching for matching items among the selected product catalogs**  
(Claims 1 and 3 of the '683 Patent):

**Function:** searching for matching items among the selected product catalogs.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm which includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to a search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalogs matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents thereof. *See, e.g.*, '683 Patent, Col. 4, ll. 4-9; Col. 4, ll. 25-30; Col. 5, ll. 18-39; Col. 5, l. 61-Col. 6, l. 22; Col. 7, l. 61-Col. 8, l. 32; Col. 8, l. 40-Col. 10, l. 20; Col. 10, l. 65-Col. 11, l. 29; Col. 12, ll. 4-29; Col. 16, ll. 8-32; Col. 18, ll. 6-13; Figs. 1A, 1B, 1C, 2; Appendices I, II, III, IV, V, VI, VIII.

**4. Means for building a requisition using data relating to selected matching items and their associated source(s)** (Claims 1, 3 and 6 of the '683 Patent):

**Function:** building a requisition using data relating to selected matching items and their associated source(s).

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a requisition module to execute an algorithm which includes the steps of: (1) selecting one or more items from hit lists of catalog items matching search criteria that were returned from searching selected product catalogs; (2) transferring the selected matching item data to a requisition module; and (3) building a requisition using data from the selected matching items to populate certain fields on the requisition form; and structural equivalents thereof. *See, e.g.*, '683 Patent, Col. 1, ll. 11-35; Col. 3, ll. 16-19; Col. 4, ll. 1-3; Col. 4, ll. 10-22; Col. 5, ll. 18-38; Col. 6, l. 39-Col. 8, l. 2; Col. 10, ll. 21-43; Col. 11, ll. 30-67; Col. 12, l. 30-Col. 14, l. 4; Col. 16, ll. 40-54; Col. 17, ll. 10-28; Col. 18, ll. 47-52; Figs. 1-3; App. I, II, VI, VIII, IX.

**5. Means for processing the requisition to generate one or more purchase orders for the selected matching items** (Claims 1, 3 and 6 of the '683 Patent):

**Function:** processing the requisition to generate one or more purchase orders for the selected matching items.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating one or more purchase orders based on the data included in the requisition relating to the matching items selected from the items returned from searching selected product catalogs and based on predetermined rules relating to the user's preference (*e.g.*, one purchase order to each distinct

supplier referenced in the requisition); and structural equivalents thereof. *See, e.g.*, '683 Patent, Col. 1, ll. 10-35; Col. 10, ll. 52-64; Col. 15, ll. 20-54; Col. 17, ll. 44-48; Col. 18, ll. 18-29; Figs. 1-3.

**6. Means for determining whether a selected matching item is available in inventory** (Claim 1 of the '683 Patent; Claim 5 of the '172 Patent):

**Function:** determining whether a selected matching item is available in inventory

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) searching a database with data relating to the availability of items in a supplier's/vendor's inventory to determine the availability of a selected matching item in the supplier's/vendor's inventory; and (2) receiving data communicated back from the database search relating to the availability of a selected matching item in the supplier's/vendor's inventory; and structural equivalents thereof. *See, e.g.*, '683 Patent, Col. 4, ll. 10-24; Col. 4, l. 63 to Col. 5, l. 8; Col. 14, ll. 4-38; Col. 14, l. 46 to Col. 15, l. 9; Col. 15, l. 60 to Col. 16, l. 18; Col. 17, ll. 23-29; Col. 17, l. 64-Col. 18, l. 6; Col. 18, ll. 13-18; Figs. 1A, 1B, 3; Appendices I, II, VIII, IX, X.

**7. Means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source** (Claims 3 and 6 of the '683 Patent):

**Function:** converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) maintaining a cross-reference table or file identifying cross-referenced items, identical items or generally equivalent items and one or more codes corresponding to cross-referenced items, identical items or generally equivalent items; (2) for a selected matching item, accessing the cross-reference table or file to identify an identical item or generally equivalent item cross-referenced to the selected matching item and associated with a different source; and (3) replacing the selected matching item and its associated source with the identical item or generally equivalent item and its different source in a requisition; and structural equivalents thereof. *See, e.g.*, '683 Patent, Col. 4, l. 60 - Col. 5, l. 8; Col. 10, ll. 43-52; Col. 14, ll. 35-45; Col. 16, ll. 8-32; Col. 16, ll. 54-62; Col. 17, ll. 29-48; Appendices VII-X.

**8. Means for searching for matching items in the database** (Claim 6 of the '683 Patent):

**Function:** searching for matching items in the database.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm which includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to items(s) to be searched; (2)

communicating the search criteria to a search engine program; (3) querying certain fields of the item data to locate item records in the database matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents thereof. *See, e.g.*, '683 Patent, Col. 4, ll. 4-9; Col. 4, ll. 25-30; Col. 5; ll. 18-39; Col. 5, 61-Col. 6, l. 22; Col. 7, l. 61-Col. 8, l. 32; Col. 8, l. 40- Col. 10, l. 20; Col. 10, l. 65- Col. 11, l. 29; Col. 12, ll. 4-29; Col. 16, ll. 8-32; Col. 18, ll. 6-13; Figs. 1A, 1B, 1C, 2; Appendices I, II, III, IV, V, VI, VII.

**9. Means for entering product information that at least partially describes at least one desired item (Claim 1 of the '172 Patent):**

**Function:** entering product information that at least partially describes at least one desired item.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules to execute an algorithm which includes the step of receiving certain fields of entered information, (*e.g.*, catalog number, part number, partial text, etc.) to at least partially describe at least one desired item; and structural equivalents thereof. *See, e.g.*, '172 Patent, Col. 5, l. 24-Col. 6, l. 27; Col. 7, l. 66- Col. 8, l. 37; Col. 8, ll. 45-62; Col. 12, ll. 6-28; Figs. 1-2; App. VII.

**10. Means for searching for matching items that match the entered product information in the selected portions of the database (Claim 1 of the '172 Patent):**

**Function:** searching for matching items that match the entered product information in the selected portions of the database.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm which includes the steps of: (1) receiving the entered product information relating to item(s) to be searched; (2) communicating the entered product information to a search engine module; (3) querying certain fields of the item data to locate item records in the selected portions of the database matching the entered product information; and (4) outputting a hit list of items matching the entered product information; and structural equivalents thereof. *See, e.g.*, '172 Patent, Col. 4, ll. 10-14; Col. 6, ll. 4-27; Col. 7, l. 66- Col. 8, l. 37; Col. 8, l. 45-Col. 10, l. 21; Col. 12, ll. 6-41; Figs. 1A, 1B, 1C, 2; Appendix III; Appendix VII.

**11. Means for generating an order list that includes at least one matching item selected by said means for searching (Claim 1 of the 172 Patent):**

**Function:** generating an order list that includes at least one matching item selected by a search engine program.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) displaying a hit list of results of a search corresponding to items matching the entered product information; (2) selecting one or more items from the hit list for inclusion in an order list; and (3) generating an order list containing data related to the selected matching items; and structural equivalents thereof. *See, e.g.*, '172 Patent, Col. 9, l.51- Col. 10, l. 44; Col. 10, l.

66-Col. 12, l. 2; Col. 12, ll. 42-57; Col. 17, l. 55-Col. 18, l. 10; Col. 18, ll. 43-50; Appendix III; Appendix VI; Figs 1A, 1B, 1C.

**12. Means for building a requisition that uses data obtained from said database relating to selected matching items on said order list (Claim 1 of the '172 Patent):**

**Function:** building a requisition that uses data obtained from a database relating to selected matching items on an order list.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a requisition module to execute an algorithm which includes the steps of: (1) transferring data relating to selected matching items included on an order list to a requisition program; and (2) building a requisition using data from the selected matching items on the order list to populate certain fields on the requisition form; and structural equivalents thereof. See, e.g., '172 Patent, Col. 1, ll. 15-40; Col. 10, ll. 22-44; Col. 12, l. 52- Col. 14, l. 14; Figs. 1-3; App. I, II, VI, VIII, IX.

**13. Means for processing said requisition to generate purchase orders for said selected matching items (Claim 1 of the '172 Patent):**

**Function:** processing a requisition to generate purchase orders for selected matching items.

**Exemplary corresponding structure, material and acts:** a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating purchase orders based on the data included in the requisition related to the selected matching items on the order list and based on predetermined rules relating to the user's preference (e.g., one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof. See, e.g., '172 Patent Col. 1, ll. 15-40; Col. 10, ll. 53-65; Col. 15, l. 39-Col. 16, l. 4; Col. 18, ll. 6-16; Col. 18, ll. 54-67; Figs. 1-3.

**Claim Terms Identified by Lawson as Requiring Construction**

**1. Catalog/Product Catalog.**

This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, *ePlus* proposes the following construction:

an organized collection of items and associated information which typically includes a part number, price, catalog number, vendor name, vendor ID, a textual description of an item, and images of or relating to the item.

**2. Matching items.**

This term requires no construction beyond its plain and ordinary meaning. To the extent,

however, that the Court believes such term requires construction, *ePlus* proposes the following construction:

items returned in search results that satisfy search criteria.

**3. Inventory.**

This term requires no construction beyond its plain and ordinary meaning.

**4. Converting data relating to a selected matching item and an associated source to data relating to an item and a different source.**

This term requires no construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, *ePlus* proposes the following construction:

A process of cross-referencing data relating to a selected matching item and an associated source to an item and a different source.

**5. Subset.**

This term requires no construction beyond its plain and ordinary meaning.

**6. Selected matching items.**

This term requires no construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, *ePlus* proposes the following construction:

Items returned in search results that satisfy search criteria and are selected for inclusion on a hit list or in a requisition.

**7. Searching for matching items among the [selected product catalogs/data relating to the items].**

This term requires no construction beyond its plain and ordinary meaning.

**8. Order List**

This term requires no construction beyond its plain and ordinary meaning.

**9. Protocol**

This term requires no construction beyond its plain and ordinary meaning.

**10. Cross-Reference Table**

This term requires no construction beyond its plain and ordinary meaning.

**11. Means for searching for matching items among the selected product catalogs**

*See Item #3 under ePlus claim terms requiring construction set forth above.*

**12. Means for searching matching items in the database**

*See Item #8 under ePlus claim terms requiring construction set forth above.*

**13. Means for searching for matching items that match the entered product information in the selected portions of the database**

*See Item #10 under ePlus claim terms requiring construction set forth above.*

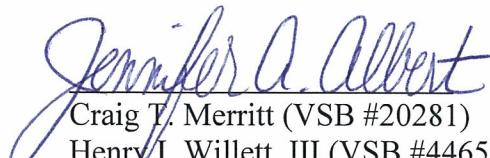
**14. A multiple purchase order generating module said purchase order generation module creating multiple purchase orders from a single requisition created with said user-generated criteria and said search module criteria**

This claim element requires no construction beyond its plain and ordinary meaning.

*ePlus reserves the right, upon review of Lawson's proposed claim constructions, to adopt any construction proffered by Lawson, respond to any construction proffered by Lawson, or propose an alternative construction during the *Markman* briefing scheduled for January 6 and 18, 2010 under Section V, Subsection H of the Pretrial Schedule A of the Court's Scheduling Order.*

Respectfully submitted,

Date: December 28, 2009



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**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th of December, 2009, the foregoing Plaintiff's Proposed Claim Constructions was served *via electronic mail* on the following:

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